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MARCH MEETING, 1905.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M. In the absence of the President, the senior Vice-President was in the chair. The record of the February meeting was read and approved; and reports from the Corresponding Secretary, who was absent, and the Librarian were presented.

The VICE-PRESIDENT said: "At the last meeting of the Society, when an account was given of George Livermore's picture, then recently hung, I was reminded of the fact that the portrait of Mr. John Langdon Sibley, our munificent benefactor, which hangs in yonder room, had never been formally presented to the Society, and that no entry in regard to it appears on our records. In order to meet this oversight and to remedy the defect I will now report that the picture was given by Mrs. Sibley some months before her death. It was painted in January, 1894, by Mr. Frederic Porter Vinton, the well-known artist, and is a *replica* of the one now belonging to Phillips Exeter Academy, which was painted in the autumn of 1879. It seems proper that a statement of these facts should go on record."

He also said: "Among the accessions to the Library during the month is an interesting and valuable pamphlet, given by Mr. Charles Butler Brooks, of Boston. It is entitled 'The Narrative of the most terrible and dreadful Tempest, Hurricane, or Earthquake in Holland; on Wednesday the 22 of July last,' etc. (pp. 8), and was printed at Cambridge in 1674. It adds to our present list of Early American Imprints another title that may be unique. Rev. Thomas Prince, in his manuscript catalogue of New England publications, describes a copy that was defective or deficient at the end. The pamphlet has for a cover a part of a Proclamation issued 'By Thomas Danforth, Esq.; President of the Province of Mayne,' for a Thanksgiving, on November 23, 1682. At that period Danforth was Deputy Governor of Massachusetts; and the day

was fixed by the General Court of the Bay Colony. Unfortunately the lower part of the printed matter of the Proclamation is torn off. This imperfection at the end of the sheet would seem to bear out the theory that the pamphlet may have been the identical copy described by Mr. Prince."

Mr. Theodore C. Smith, Professor of History in Williams College, was elected a Resident Member; and Mr. George P. Winship, Librarian of the John Carter Brown Library, Providence, Rhode Island, was elected a Corresponding Member.

Rev. Dr. JAMES DE NORMANDIE, having been called on, read the following paper: —

Manners, Morals, and Laws of the Piscataqua Colony.

The character of the early settlers in the plantations along the Atlantic coast must have been quite the same. They came generally from the same classes of English people, and either from the spirit of colonization then so widespread throughout Europe or from nonconformity driven by the intolerance of the Established Church. Ecclesiastical associations were the chief differences, especially between the Bay and the Piscataqua. The latter was made in the interests of Episcopacy as the handmaiden of royalty; and this accounts for a large part of the dissensions between the two, and the charges of each against the other.

Governor Dudley, writing from the Bay, says of the Piscataqua: "Some of our settlers heareing of men of their own disposition which were planted at Pascataway, went from us to them, whereby, tho' our own numbers were lessened, yet we accounted ourselves nothing weakened by their removeall." It is an ancient theological tradition, not yet entirely outgrown, that persons who differ from you in their faith are likely to have a lower standard of morality. So Mather writes in the "Magnalia": "There were more than a few attempts of the English to People & Improve the Parts of New England which were to the Northward of New Plymouth, but the Designs of those Attempts being aim'd no higher than the Advancement of some Worldly Interests a constant Series of Disasters has Confounded them until there was a Plantation erected upon the nobler Designs of Christianity, & that Plantation tho' it has had more Adversaries than perhaps any

upon Earth yet having obtained help from God it continues to this day."

It is perhaps true of both the Bay and the Piscataqua that during the early years they had a large number of settlers of high moral and social standing, merchants and yeomen, citizens and clergy of a good quality of English life. It is true their religious views differed; it is true they were equally attached to their faith; it is true that some in each plantation partook of that coarse, wild, and profane character which belongs to all new settlements; and it is true that very early the Piscataqua came under the rule of the Bay, — was subject to their form of worship, controlled by men of precisely their way of thinking, so that the manners and morals were much the same.

One cannot fail to notice the expressions of friendship or religion which are found at the opening or close of business communications. The letters from one merchant to another seem incomplete without inquiries about health, family, or asking the blessing of God upon their enterprises. Of course, it is possible for good manners to conceal the intentions or disposition to dishonesty, as the forms of religion may advance the schemes of hypocrisy; but it is not generally so, and these expressions, even though common in the epistolary form of that day, hardly belong to a class of men without the sentiment of religion or abandoned to trade beyond other settlers. Thus Thomas Eyre of the Laconia Company, writing to Gibbins, closes his letter with this sentence: "I commend you and your wife, who by this I hope is with you, to the protection of the almightie." Mason, sending to Vaughan an invoice of goods shipped to the company, finishes his letter with, "Thus we commend you to God." Gibbins, writing back, says: "At large I wil write, if God wil by the next. Thus taking leave I commit your worship to Almighty God." Still, even at that day the spirit of over-reaching, which seems as old as trade, constantly appears, and Gibbins says in a letter to Mason: "The merchants I shall be very cautylous how I deale wth any of them while I live."

Not less frequent are the expressions of friendship from the families of the Proprietors to those of the factors: "with my kind love to your wife & daughter," or "Your loving friend," constantly appears in business letters.

In matters of temperance, early colonists two centuries ago are not likely to be illustrious examples; yet there is nothing like history to show the progress the temperance cause has made. The convivial habits of two hundred or even of one hundred years ago would not be endured anywhere now for a day. One who will take the trouble to look up the social or domestic life of the English or the Scotch, or of our own land back of the last century, will be amazed at the general custom of excessive drinking; and while among the greatest of the evils we still have to struggle against, the improvement has been most evident, and all the statements that we are intemperate beyond past years, or that the evil increases, have no foundation in fact. Dean Ramsay tells us it was no uncommon thing in the well-appointed houses of the gentry to keep two stout Highlanders whose business was to carry the guests upstairs after a dinner, and a boy under the table to loosen their neckties when they slipped down in the stupor of intoxication. All these settlements were well supplied with "Aqua vity," as it is often spelled. This and "Sack" come in all the inventories as a part of the *goods*. One Roger Shawe, of Hampton, is empowered and ordered "to sell wine of any sort and strong licquors to the Indians, as to their (his) judgment shall seeme meete and necessary for their relief in just and urgent occasions, and not otherwise." "Persons who keep houses of entertainment are forbidden to allow tippling after nine oclock." In Londonderry the evil was so great that at the installation of a clergyman a hogshead of rum was drunk, and in one part of the house in which the minister lived was a tavern where spirit was sold and drunk on Sunday by members of the church. The use of tobacco, then comparatively novel, early became subject to legal restrictions. In 1646 we find: "Whereas there is great abuse in taking Tobacco in a very uncivil manner in the streets, if any person or persons shall be found or seen doing so hereafter he shall be subject to punishment"; and again, "Any person or persons who shall be found smoking tobacco on the Lord's day going to, or coming from the meetings, within two miles of the meeting house, he shall be fined." "Within two miles" was construed to have no bearing on such as had a mind to smoke *in* the meeting-house, and so the loud snapping of tobacco boxes after loading the pipes, the clinking of flint and steel, followed by curling wreaths of

smoke, were not infrequent in the house of worship. The story of Captain John Underhill, who was a conspicuous figure in the early history of this settlement, and not distinguished by having all the graces, is quite familiar. He went so far as to say, "that having long lain under a spirit of bondage, he could get no assurance; till at length as he was taking a pipe of tobacco, the spirit set home upon him an absolute promise of free grace, with such assurance and joy that he has never since doubted of his good estate, neither should he, whatever sins he might fall into," and "that as the Lord was pleased to convert Saul while he was persecuting, so he might manifest himself to him while making a moderate use of the good creature tobacco," — probably the only instance, since its discovery, wherein it has been held up as a means of grace or the hope of glory.

Here are some regulations which let us into the customs of those times, and which show the keen watchfulness over the doings of every settler in the interests of good order and religion. It was ordered that "no young man that was neither married nor hath any servant, and be no public officer, should keep house by himself, without Consent of the town where he first lived; and that no master of a family should give habitation or entertainment to any young man to sojourne in his family but by the allowance of the inhabitants of the said town where he dwells"; — this was a decree so that a strict watch might be kept over the ways of each person. It was ordered that Maverick, on Noddle's Island, and his family move into Boston and entertain no strangers longer than one night. This Maverick was a clergyman of the Church of England, and the order was given out of fear lest he might countenance and harbor the enemies of the Puritans. It seems strange to us that the manner of wearing the hair should enter into popular discussion, legislative enactments, and violent pulpit utterances; but whole communities were seriously excited over it, and even the Apostle Eliot had a hard time with the important question. Governors, deputy-governors, and magistrates entered into league to prevent the growing evil. In 1648 the wearing of long hair was condemned as sinful. "Forasmuch as the wearing of long hair, after the manner of ruffians and barbarous Indians [one wonders why the Patriarchs, Prophets, Apostles, and even the Saviour are not

included inasmuch as Art so frequently represents these all as wearing long hair] has begun to invade New England contrary to the rule of God's word, which says it is a shame for a man to wear long hair, as also the commendable custom generally of all the godly of our nation, until within these few years: we, the magistrates, do declare and manifest our dislike and detestation against the wearing of such long hair, as against a thing uncivil and unmanly, whereby men do deform themselves, and offend sober and modest men, and do corrupt good manners." At another time, the Court taking into consideration the extravagance which prevailed through the country as to costliness of attire, and following new fashions, ministers, as the particular duty of their profession, were called upon to urge a reform in this respect on their congregations; "but," it is added, "little was done about it, for divers of the elders' wives were in some measure partners of the general disorder."

In 1642 the General Court required that the children whose parents neglect to educate them shall have the particular attention of the selectmen where they live, so that they shall learn to read and understand the principles of religion as well as the capital laws, and that all parents and masters do duly endeavor, either of their own ability and labor or by employing such schoolmasters or other helps and means as the plantation doth afford, or the family may conveniently provide, that all their children and apprentices, as they grow capable, may through God's blessing attain at least so much as to be able duly to read the Scriptures and other good and profitable printed books in the English tongue.

In 1647 there is a long resolution in regard to the Bible in schools, so that the pupils may exercise greater vigilance against papacy, "it being one chiefe project of y^{t} ould deludor Satan, to keepe men from the knowledge of the Scriptures, as in former times by keeping y^{m} in an unknown tongue, so in these latter times by persuading from y^{e} use of tongues." The use of the Bible in schools was primarily and singly not for a religious service so much as to make each one read it for himself, — the cardinal Protestant idea.

Marriage, when it was celebrated, was performed by a magistrate, or by persons especially appointed for that purpose. Governor Hutchinson, in his History, says he believes there

was no instance of marriage by a clergyman during their first charter. Ambrose Gibbins, writing to Mason, says, "A good husband, with his wife to attend the cattle and make butter and cheese, will be profitable, for maids they are soone gonne in this countrie."

In 1680 there was set forth a code of Province Laws by the Generall Assembly in Portsmouth, wherein many of the Mosaic laws are re-enacted in all their severity. Here are two bearing upon the relation of parents and children: "If any child or children above 16 years old of competent understanding, shall curse or smite their natural father or mother, he or they shall be put to death, unless it can be sufficiently testified that the parents have been very unchristianly negligent of the education of such children." "If any man have a rebellious or stubborne son of sufficient years and understanding, viz. 16 years of age or upwards wch shall not obey y^e^ voyce of his father, or y^e^ voyce of his mother, yt when they have chastened him will not hearken unto them, . . . such son shall be put to death, or otherwise severely punished." Then there is this law, which it might be well for the journalism of our day to take to heart, which punishes any one "who shall wittingly or willingly make or publish any lie wch may be tending to y^e^ damage or hurt of any particular person, or wth intent to deceive or abuse the people with false news or reports."

Of course Sunday customs, worship, and laws occupy a large part of the early history of all these plantations.

At first there were no pews in the rough, unplastered meeting-houses; the congregation was seated upon rude benches. At Hampton the church had for some time but one pew, and that for the use of the minister's family. As luxury increased, one after another of some quality was permitted to build a pew, keep it in repair, maintain all the glass against it, and build on the spot assigned him. There was one exception noted where, by the vote of the town, "Mr. Andrew Wiggin shall have Leberty to set in what seat he pleaseth in the meeting-house," while the general law was "that when the Cometey have seated the meeting-house every person that is seated shall set in those seats or pay five shillings per day for every day they set out of those seates in a disorderly manner to advance themselves higher in the meet-

ing-house." In the old South Meeting-house in Portsmouth persons were voted a privilege to build a pew here and there, on the floor, in the gallery, or on the heavy beams; and the aisles ran in a serpentine line around the pews. Persons were seated according to their rank or station in life or society, and "Mr." was a title of great distinction, to which a very small proportion attained.

The distance persons walked for worship is incredible in our day, although well attested. The South Church at the Piscataqua was for a long time the only place of worship for Newington, Rye, Greenland, and Newcastle, and it was no uncommon thing for persons to walk six or eight miles, and sometimes carry an infant child. Before the town of Bedford was set off, its inhabitants attended worship at Londonderry, and performed the journey on foot, a distance of twelve miles. The order of service was generally as follows: The drum was beaten or the bell rung by nine of the clock; the pastor prayed a quarter of an hour; the teacher read and explained a chapter; a psalm was dictated by one of the ruling elders and sung; the pastor preached a sermon and sometimes gave an exhortation without notes; the teacher closed with a prayer and benediction. Services began at two in the afternoon and followed the same order. When a minister exchanged, the ruling elder said publicly after the psalm was sung: "If this present brother hath any word of exhortation for the people at this time, in the name of God let him say on." Before departing in the afternoon, one of the deacons said: "Brethren and the Congregation, as God hath prospered you, so freely give." Then the magistrates and chief gentlemen first, then the elders and all the congregation of men, and most of them that were not of the church, all single persons, widows, and women in absence of their husbands, went up one after another one way and laid their offerings of money, chattel, or fruits upon the deacons' seats, and passed out by another way. It was somewhat like the old Greek idea of worship,—it was not so much what you *got* at the altar, but what you *brought* to it. Persons were appointed to have inspection of the audience during the public exercises, whose frequent rounds kept the children in order. The badge of their office was a pole with a knob on one end and a tuft of feathers on the other. With the one they rapped

on the men's heads, and with the other they brushed the ladies' faces when they caught them napping.

Music soon began to be deemed a necessary part of worship; and if it had its charms, it had also, as now, its accompanying criticisms and disaffections. The custom was to deacon the hymn, the precentor or leader of psalmody reading two lines, and all singing them, and so on to the end; but the singers wanted to break up the old habit of "lining," or "deaconing," and have it all their own way. At Stratham the matter was settled by a compromise, the deacon by vote of the town to read half the time; but still he complained of the bass viol, saying, "they had got a fiddle into the church as big as a hog's-trough"; while at Londonderry the precentor and choir both kept on at the same time, one reading and the other singing, until the latter gained the victory and sang the deacon down.

The observance of the Sabbath was strict, universal, and hedged around with all possible and ever-increasing legal restrictions. Fast by the meeting-house were the stocks and pillory, — those guardians of the peace and terrors of evil-doers, where every failure to listen to the gospel was followed by the penalty of the law. And there are individuals, organizations, societies, churches now, that would gladly, if they could, re-establish all the strict laws of the Puritans in regard to the Sabbath. If profanation of the Lord's Day were done proudly and with a high hand against the authority of God, it was to be punished by death. In October, 1668, the Court ordered "that whatsoever person in this jurisdiction shall travell upon the Lord's day, either on horseback or on foote or by boats from or out of their owne towne to any unlawful assembly, or meeting not allowed by law, are hereby declared to be prophaners of the Sabbath and shall be proceeded against as the persons that prophane the Lord's Day by doing servile worke."

In 1682 it was enacted, "For prevention of the prophanation of the Lord's day, that whosoever shall on the Lord's day be found to do unnecessary servile labor, travel, sport, or frequent ordinances in time of public worship, or idly straggle abroad, the person so offending shall pay a fine of ten shillings, or be set in the stocks an hour; for discovery of such persons it is ordered that the Constable, with some other meet person

whom he shall choose, shall in the time of public worship go forth to any suspected place within their precincts to find out any offenders as above."

Jeremiah Mason tells the story, that returning to Portsmouth for a college recess, he was overtaken and delayed by a storm on Saturday, and Sunday morning quietly pursued his journey on horseback. He passed a country schoolhouse or meeting-house where the people were gathering for worship. Some distance on he saw a man approaching on horseback, and as they met, the man asked him where he was going. Mason explained, when the man said he was the constable and was appointed to see there was no profanation of the Lord's Day, and that Mason must return and attend the two services at the meeting-house, and at sunset he could pursue his journey; and drew his horse across the narrow country road. He was a small man on a small horse; Mason was a very large man on a very large horse. Mason went back some distance, and suddenly turning and urging his horse, the constable called out to him, "Where are you going?" "I am going right over you"; and he went on to his home.

We hear much said about what shall be done for religious education — for which there seems no time now in this absurdly busy world — but there was abundant opportunity for whatever religious education could be given when such a regulation as this was in force; "to the end that the Sabbath may be celebrated in a religious manner," it is ordered "that all that inhabite the plantation, both for the general and particular employments, may surcease their labor every Saturday throughout the yeare, at three of the Clock in the afternoone, and that they spend the rest of that day in catechizing and preparacon for the Sabbath as the minister shall direct." There is a record of an agreement with some converted Indians who were asked, "Will you refrain from working on the Sabbath?" The answer was, "It is easy for us; we have not much to do any day, and we can well rest on that day."

I hope to show to this Society before long, by one or two papers, that there is really no question which presents fewer embarrassments than the Sunday one, if we examine it in the historical sense, free from outgrown theological interpretations of scriptural and sectarian prejudices.

Mr. JOHN NOBLE read a paper on "Legislation in regard to Highway Robbery in Massachusetts," as follows: —

In Notes and Queries in the "Boston Transcript" of 4th February there was a reference to what seemed a startling occurrence, — the hanging of a woman upon Boston Common in 1789 for snatching a bonnet from another woman's head. It is as follows: —

Note 2182. The enclosed clipping from a Boston paper of several years ago recently came to my notice.

I am a granddaughter of Margaret Bender, who married in 1793. When a child I once heard a member of our family say that Rachel Wall, besides seizing Margaret Bender's bonnet, tried to pull out her tongue.

It was said that my grandmother never ceased to deplore the fact that a life was forfeited on her account. C. T. S.

HANGED FOR STEALING A HAT.

Just at the spot, nearly opposite Mason Street, where preparations have been made for an entrance to the subway on the Common, in which the tracks for south-bound cars are to be deflected westerly before intersecting the Boylston street branch in order to resume the parallel at Tremont street, is the point which may be said to have witnessed the most unaccountable execution on record in this State.

"Is it true that Governor John Hancock ordered a woman to be hanged on the Common for snatching a bonnet?" was asked by a Bostonian as he passed this spot where the subway operations are the centre of curiosity.

There is at the State House a document with the bold autograph that headed the signatures of the Declaration of Independence. Governor John Hancock, under date of Oct. 8, 1789, and in language identical with that addressed to Sheriff O'Brien in connection with the hanging of Gilbert, with the appropriate variation of time and place, ordered Joseph Henderson, "sheriff of our county of Suffolk," to hang Rachel Wall, on Boston Common, on the 20th of that month.

To find the specific cause, the record of the court that convicted her was searched. It said that Rachel Wall, on the 18th of March, 1789, at Boston, on the public highway, assailed Margaret Bender, and with "bodily force" seized and put on the bonnet of said Bender, "of the value of seven shillings." "This," says the record, "did she carry away against the public peace of this Commonwealth." In the document "sundry other thefts" were referred to, but in point of fact the tradition in the case as generally believed is that the offence was one

involving a quarrel between two women, one of whom snatched the bonnet of the other. The sentence of execution was duly carried out, under the rule of the first Governor of our Commonwealth, and within four days of the time when the first President of the United States was welcomed on these streets. So it happens that in digging at this deviating point for subway tracks there are also dug up memories of an execution that would suggest the rule of a Draco rather than that of a Massachusetts patriot.

And the next week another: —

Answer to Note 2182. Consulting the family records, I find that Margaret Bender was born in 1772; she was therefore but seventeen years old in 1789, a mere girl, when Rachel Wall was hanged. She lived to the ripe age of seventy-two, loved and respected by all. Recollections of her forbid the thought that "the two women quarrelled." My impression from what I have heard of the occurrence is that Margaret Bender was the victim of a sudden and unprovoked assault, in which Rachel Wall tried by "bodily force" to pull out her tongue. Family tradition has it that this was the offence for which she was hanged. C. T. S.

Later two or three country newspapers within and without the State took up the matter with various comments and reflections, and it provoked considerable interest.

The account seemed almost incredible, and worth looking into to see how justice was really administered here a hundred years or little more ago, and shortly after Massachusetts had become an independent commonwealth. An examination of the court records proved that the story, with some slight inaccuracies, was true. The record of the case, as formally set out, runs thus: —

Record of the Supreme Judicial Court, held at Boston, for the County of Suffolk, 25 August, 1789, folio 257.

William Cushing Esq^{r} Chief Justice
Nath^{l} P. Sargeant
David Sewall
Francis Dana and
Increase Sumner, Esq^{rs} Justices

The Jurors for the Commonwealth of Massachusetts, upon their oath present, that at the Supreme Judicial Court, begun and holden at Boston, within and for the County of Suffolk, on the last Tuesday of August, in the year of our Lord, seventeen hundred and eighty five,

Rachel Wall of said Boston, Spinster, was, by the consideration of the Justices of the same Court, duly convicted of feloniously stealing, taking & carrying away the goods and chattles of Perez Morton, Esq. as by the records of the same Court there remaining, appears. And the Jurors aforesaid upon their oath aforesaid, do further present, that at the Supreme Judicial Court, begun and holden at Boston within & for the County of Suffolk, on the last Tuesday of August, in the year of our Lord, seventeen hundred and eighty eight, the said Rachel Wall, then standing convicted of the theft as aforesaid, was, by the consideration of the Justices of the same Court, duly convicted of breaking up and entering the dwelling house of one Lemuel Ludden, and feloniously stealing, taking and carrying away the goods and chattles of the said Lemuel, as by the records of the same Court, there remaining fully appears. And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Rachel Wall, afterwards, viz. on the twenty seventh day of March, in the year of our Lord, seventeen hundred and eighty nine, she the said Rachel Wall, then and there standing convicted of the several Thefts as aforesaid, with force and arms, at Boston, aforesaid, within the County of Suffolk aforesaid, in the public highway there, in and upon one Margaret Bender, in the peace of God, and of this Commonwealth then and there being, feloniously did make an assault, and her the said Margaret Bender in bodily fear of her life, in the highway aforesaid, then and there feloniously did put, and one bonnet of the value of seven shillings, of the goods and chattles of the said Margaret Bender, from the person, and against the will of the said Margaret Bender in the highway aforesaid, then and there feloniously and violently did steal, take and carry away against the peace of the Commonwealth aforesaid, and Law of the same in such case made and provided. And now before the Court there comes the said Rachel Wall under Custody of the Sheriff of said County, and being set to the bar here in her proper person, and forthwith being demanded concerning the premises in the Indictment above specified and charged upon her, how she will acquit herself thereof, she says that thereof she is not guilty, and thereof for tryal puts herself on God and the Country (Christopher Gore, & James Hughes, being assigned by the Court as Counsel for the prisoner). A Jury is immediately impannelled, viz. Benj^{a} Clark, foreman, and fellows namely, Bossenger Foster, Ezra Penniman, Rufus Mann, Rob^{t} Peirce, Caleb Beals, Jos. Draper, Ezekiel Richardson, Daniel Bell, Ebenez^{r} Tucker, Jun. Silas Weld and Thomas King, who being sworn to speak the truth of and concerning the premises, upon their oath say, that the said Rachel Wall is guilty. And now the Attorney General moves that sentence of death might be given against the said Rachel Wall, the Prisoner at the bar; upon which it is demanded of her the said Rachel Wall, if she has or

knows ought to say wherefore the Justices here ought not upon the premises and verdict aforesaid to proceed to Judgment against her, who nothing further says, unless as she before [had] said: Whereupon all and singular the premises being seen, and by the said Justices here fully understood, It is Considered by the Court here, that the said Rachel Wall be taken to the Gaol of the Commonwealth from whence she came, and from thence to the place of Execution, and there be hanged by the neck until she be dead.

No evidence in the case has been preserved, and of the original papers there remain only the indictments and a bill of costs. Eminent counsel were concerned in the trial in the Supreme Judicial Court, — Robert Treat Paine, the Attorney-General, for the Commonwealth; and Christopher Gore and James Hughes assigned by the court for the defence.

The bill of costs indicates a trial of considerable length, and it also illustrates modes of procedure. It emphasizes the difference between the expense of a capital trial then and now.

Suffolk Court Files No. 106011. Paper No. 91.

Suffolk Sup. Jud. Court August 1789.

Comwealth v. Rachel Wall convicted of Robbery.

Cost, before Justice Crafts		£0 " 16 " 4
Witnesses		
Margaret Bender	3d	0 " 9 " 0
Col. Thos Dawes	2	0 " 6 " 0
Charles Berry	2	0 " 6 " 0
John Berry	2	0 " 6 " 0
John Soren	2	0 " 6 " 0
Jnº Frazur Low	2	0 " 6 " 0
John Soames	2	0 " 6 " 0
Mary Barrett	2	0 " 6 " 0
Jury fees		1 " 18 " 6
Jnº Butterfield sumns Witnesses		0 " 6 " 0
Entry and Writ to sum. Witnesses		0 " 16 " 0
Exemplification of Record		0 " 6 " 0
Copy of Bill		0 " 1 " 0
Sheriffs Bar fee		0 " 3 " 8
Taxing &c. 3/6 Copy of pannel 2/		0 " 5 " 6
		£7 " 4 " 0

Order and Copy	2 " 6
	£7 " 6 " 6
Copy of former Conviction 2/4	2 " 4
	7 " 8 " 10

Examined p^{r} JN^{o} TUCKER *Cler*
Copy Att^{t}. JN^{o} TUCKER *Cler*

Oct^{r}. 29, 1790. It appearing to the Justices of the Sup. Jud. Court that the Costs against Rachel Wall convicted of Robbery by the Verdict of a Jury and executed amount to £7 " 8 " 10 agreable to the Bill taxed within. Ordered, that the Sheriff of the County of Suffolk pay said Costs to the several Persons to whom they are due and owing from the fines and forfeitures in his hands (if sufficient he has for that Purpose) according to the Law in such Case provided

JN^{o} TUCKER *Cler*

Endorsed
Copy of Bill of Cost
v. Rachel Wall
No. 90 Robbery
Executed — To be paid
by the Sheriff &c.
Augst 1789
Rec^{d} 3/8 my Bar Fee
JOS. HENDERSON

The Warrant for Execution and the Return of the Sheriff thereon, are among the Council Files at the State House, and are as follows: —

Council Files 1789–1793 at State House.
Commonwealth of Massachusetts.

Seal

JOHN HANCOCK

To Joseph Henderson Esq^{r}
sheriff of the County of Suffolk
Greeting.

Whereas Rachel Wall of Boston in the County of Suffolk spinster now a prisoner in our Goal at Boston in our County of Suffolk was before our Justices of our Supreme Judicial Court begun and held at Boston within and for our County of Suffolk on the last Tuesday of August in the year of our Lord seventeen hundred & eighty nine convicted of the crime of highway Robbery and was then and there by our said Court duly sentenced to suffer the pains and penalties of death, as to us appears of Record, an exemplifi-

cation of which under the Seal of our said Court is hereunto annexed whereof Execution still remaineth to be done: — We therefore with the advice and consent of the Council pursuant to the Statute in that case made and provided command you, that on Thursday the eighth day of October next between the hours of twelve and four o'clock in the afternoon, at the usual place of Execution you cause Execution on the person of the said Rachel Wall to be done and performed in all things according to the form and effect of the said Judgment for which this shall be your sufficient Warrant — hereof fail not at your peril, and make return of this Writ with your doings herein into our Secretarys office on or before the twentieth day of October next.

In Testimony whereof we have caused our great Seal to be hereunto affixed — Witness John Hancock Esq^{r} our Governor and Commander in Chief at Boston this tenth day of September in the year of our Lord one thousand seven hundred and eighty nine, and in the Fourteenth year of the Independence of the United States of America.

By His Excellencys Command
with the advice and consent
of the Council.

JOHN AVERY jun^{r} *Sec^{y}*

Suffolk ss. Boston, October 9th 1789 —

In Obedience to this precept to me directed, I removed the Body of the within Named Rachel Wall from the Goal the place of her Confinement to the Usual place of Execution where I hanged the said Rachel Wall by the Neck until she was dead, I therefore return this Warrant fully satisfied

JOS. HENDERSON *Sheriff.*

The Boston newspapers of the time give some few facts and furnish some additional particulars.

The occurrence seems to have excited but little comment, and the accounts in their brevity and quietness are in striking contrast with the flaming headlines and the multitudinous details of the journals of to-day. It was taken for granted that laws were made to be enforced, — and enforced without evasion or compromises, — and that the Executive was bound to see to their exact execution without faltering or shrinking from the obligation of his oath and the faithful performance of his official duty.

Extracts from two journals give the account of the offence and the ending of the affair: —

From the "Independent Chronicle and the Universal Advertiser," published in Boston, April 2, 1789: —

"A singular kind of robbery, for this part of the world, took place on Friday evening last: As a woman was walking alone, she was met by another woman, who seized hold of her and stopped her mouth with her handkerchief, and tore from her head her bonnet and cushion, after which she flung her down, took her shoes and buckles, and then fled. She was soon after overtaken, and committed to jail."

From the same paper of September 10, 1789: —

"Last Tuesday afternoon, Sentence of Death was pronounced against William Dennifee, William Smith and Rachel Wall, who were severally convicted of High Way Robbery at the Supreme Judicial Court, holden in this town; the sentence was pronounced by Chief Justice Cushing."

From the same paper of September 17, 1789: —

"Thursday, the 8th of next month, is appointed by his Excellency the Governour and Council, for the execution of William Smith, William Dennoffee, and Rachel Wall, now under sentence of death for Highway Robbery."

From the same paper of October 8, 1789: —

"This day, between the hours of 12 and 4, William Dennoffee, William Smith, and Rachel Wall, are to be executed, pursuant to their sentence, for the crime of highway robbery."

The "Mass. Centinel," published in Boston (on Wednesdays and Saturdays), has on September 12, 1789: —

"At the Supreme Judicial Court lately held here, William Smith, Rachel Wall, and William Dennoffe, were severally convicted of robbery, and sentenced to be hanged. . . .

"The Supreme Executive of this State has been pleased to order, that the execution of the sentence of death pronounced on William Smith, William Dennoffe, and Rachel Wall, for robbery, shall be on Thursday the 8th of October next."

From the same paper of October 10, 1789: —

"On Thursday were executed William Denoffe, William Smith, and Rachel Wall, pursuant to their sentence for highway robbery."

The law as it stood at the time was rigorously enforced. No doubt or hesitation seems to have arisen. A question may perhaps reasonably suggest itself whether, though the offence fell technically within the language of the law, it was within its spirit and intent. The point, however, seems not to have

been taken, no question to have been raised, and no attempt to secure a stay or commutation of the sentence. The prisoner was an old offender, the crime fully proved, and that seems to have been considered enough. Evidently the weak commiseration for a convicted criminal now so common found little favor then.

The case itself naturally suggested an inquiry as to how Massachusetts had dealt with the crime of highway robbery in its several periods of colony, province, and commonwealth.

Old Fletcher, of Saltoun, said: "I knew a very wise man that believed that, if a man were permitted to make all the ballads, he need not care who should make the laws of a nation." Perhaps a corollary to that might be: Given the laws of a people, its civil history is told. And even in the old-fashioned preambles no little history is wrapped up.

The first law touching the crime of highway robbery was in 1642. The colonists brought with them the general principles of the common law and the habits of legal practice which they had acquired as Englishmen. The courts established were required to proceed "to heare and determine all causes according to the lawes nowe established, & where there is noe lawe, then as neere the lawe of God as they can."

And always the magistrates were inclined to let laws "arise *pro re nata* upon occasions." No occasion seems to have arisen for a dozen years after their landing, owing either to the character of the settlers or their situation and surroundings, or other causes.

The earliest legislation came at "The Generall Court of Elections, the 18th Day of y 3d Month, 1642": —

"If any man shall breake up or robb any dwelling house on the Lords day, when the inhabitants are gone to the worship of God, or comit burglary upon any other day, or by night, or shall rob any pson on the way or open feilds, or shall Steale any other goods left abroad, or in the house, shall bee severely punished, according to the nature of the offence, & the severall aggravations thereof, as ye iudges shall appoint; this lawe to stand in force till the Gen'all Co't doth alter it."[1]

This law was of the utmost flexibility, and left everything to the discretion and determination of the judges. Later in the Colonial Laws it took on definite penalties: —

[1] Mass. Col. Rec., vol. ii. p. 22.

"*Forasmuch as many persons, of late yeares have been & are apt to be injurious to the goods and lives of others, notwithstanding all care and meanes to prevent and punish the same.*

"It is therefore Ordered by this Court and Authority thereof, that if any person shall commit Burglary: by breaking up any dwelling house or shall rob any person in the field or highwayes, such person so offending, shall for the first offence, be branded on the forehead with the letter (B) And if he shall offend in the same Kinde the second time, he shall be branded as before & also be severely whipped; and if he shall fall into the like offence the third time, he shall be put to death, as being incorrigible.

"And if any person shall commit such burglary or rob in the fields or house on the Lords day; besides the former punishment of branding, he shal for the first offence have one of his eares cut off, And for the second offence in the same kind he shal lose his other Eare in the same manner, And for the third offence, he shal be put to death [1642–1647]."[1]

This law sufficed through the period of the Colony. The records of the Court of Assistants, which alone had jurisdiction of "all Capital and Criminal causes, extending to life, member or banishment," are significant, so far as extant, as showing the rarity of the specific offence. There is, however, a gap of thirty years between 1643 and 1673, when the records as such are not extant.

Between 1630 and 1644 no case of highway robbery appears upon the records of the Court of Assistants, but there are several trials and sentences for stealing. The penalty imposed is fine, restitution, whipping, and occasionally branding, according to the gravity of the offence.

In 1642 a woman "for hir many theftes and lyes was censured to bee severely whipt, & condemned to Slavery, till shee have recompenced double for all hir theftes."[2]

In 1635, in the case of "a knowen theife, who since his comeing hither hath cõmitted dyvers fellonyes &c. as appeareth by his examinacõn, It is therefore ordered that the said Scarlett shalbe seuerely whipt & branded in the forehead with a T & after sent to his said Maister whome the Court enioynes to send the said Scarlett out of this Iurisdiccõn" &c.[3]

[1] Colonial Laws (Whitmore's ed.), 1660–1672, p. 127; also 1672–1686, pp. 12, 13.

[2] Records of the Court of Assistants, vol. ii. p. 118 (reprint).

[3] *Ibid.* p. 60.

And in the records from 1673 to 1692 no case of simple highway robbery is found. There are cases of burglary and piracy, where robbery is charged as an incident and the punishment varies with the offence. In one in 1681 the sentence is "to be branded in the forhead wth the letter B. and be seuerely whipt wth thirty stripes paying treble damages . . . discharding fees of Court & y^{e} prison standing Comitted till Sentence be performed." [1]

And in another, in 1685, "to be branded wth the letter B on y^{e} forhead & have his Right eare Cutt of dischardging y^{e} charge of y^{e} witnesses tryall & fees & then make Restitution to the party Injuried & in deffect thereof to be sold to any of the English plantations. And for another burglary tried at the same time "to be againe Branded . . . & have his left eare cutt of," etc. as before.[2] The offenders seem most frequently to have been bond-servants.

Then came the Statutes in the time of the Province, and changes in conditions are evident.

Acts passed at the Session begun and held at Boston, on the thirtieth day of May, A. D. 1711.

CHAPTER 2.

To the intent her Majesty's leige people may be in peace, and out of fear of being assaulted and robbed by ill-minded wicked ruffians, as they are travelling the common roads or highways, or of being insulted and indecently treated or abused as they are civilly walking and recreating themselves in the fields, streets or lanes in towns, —

Be it enacted by His Excellency, the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, —

Sect. 1. That every person and persons that shall be convicted of assaulting, robbing, and taking away from the person of another, travelling the common road or highway, any money, goods, clothing, or other things whatsoever, shall be punished with burning in the forehead or hand, suffer six months' imprisonment, and render treble damages to the party robbed; and upon a second conviction of the like offence, shall be deemed a felon, and suffer the pains of death, as in cases of felony.

Passed June 8, pub. June 16, 1711.[3]

Section 2 provides for case where a woman is the sufferer.

[1] Records of the Court of Assistants, vol. i. p. 200.

[2] *Ibid.* pp. 283, 284.

[3] Province Laws (Goodell's ed.), vol. i. p. 674.

This Act appears to have become in time insufficient, and a Committee of the Legislature is appointed to draft another.

Note on Chapter 21. "Nov. 17, 1761. In Council Ordered That Peter Oliver and Harrison Gray Esq^rs^ with such as the honorable House shall join be a Committee to bring in a Bill in addition to the Act for Suppressing of Robberies and Assaults.

In the House of Representatives Read and Concurred and Cap^n^ Goldthwait, M^r^ Otis and M^r^ Paine are joined in the Affair.

(Council Records, vol. xxiv. p. 106.)[1]

Acts passed at the Session begun and held at Boston, on the twelfth day of November, A. D. 1761.

CHAPTER 21.

Whereas the act intitled "An Act for suppressing robberies and assaults" made and passed in the tenth year of Queen Anne, is insufficient to restrain ill-minded and wicked ruffians from assaulting and robbing his Majesty's liege people as they are travelling the common roads, highways or streets, —

Be it enacted by the Governor, Council and House of Representatives,

Sect. 1. That every person or persons that shall, after the first day of December next, assault, rob and take away from the person of another, in or upon any highway, street, passage, field or open place, any money, goods, cloathing or other thing, whatsoever, and shall be thereof convict, shall be adjudged guilty of felony, and suffer the pains of death accordingly, without benefit of clergy.

Passed and published November 28, 1761.[2]

Some three years later the attention of the Grand Jury is called to this Act: —

Superior Court of Judicature.

March Term, 1765. V. George Ter.

Present. The Honourable C. J. Justices Lynde & Cushing.

In the

Charge to the Grand Jury by the Chief Justice Thomas Hutchinson:

"There is another Offence — you have seen it in the public Prints — of Robbery on the Highway — Money demanded and actually taken; an Offence very heinous in its Nature, and very rare in this Country, and I hope it will be universally discouraged; and I question whether it is universally known, that by a late Law of this Province, it is Death to commit a Robbery on the Highway."[3]

[1] Province Laws, vol. iv. p. 546, notes.

[2] *Ibid.* (Goodell's ed.), vol. iv. p. 488.

[3] Quincy's Mass. Reports, p. 114.

The Province passed away, the Commonwealth succeeded, and there came new legislation.

Acts of 1784, ch. 52. [January Session.]

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,

That every person who shall feloniously assault, rob and take from the person of another, any money, goods, chattels or other property that may be the subject of theft, and shall be thereof convicted, shall be adjudged guilty of felony, and shall suffer the pains of death.[1]

March 9. 1785.

For assault with intent, the punishment is: —

fine not exceeding 1000 pounds, imprisonment, setting in the pillory, whipping, setting on the gallows with a rope about his neck [and the other end thereof thrown over the gallows,] confinement to hard labor, not exceeding three years, or either of these punishments, according to the degree and aggravation of offence.

It was under this Act of 1784 that Rachel Wall was tried and convicted and executed. It held in force for twenty years.

The Acts of 1805, ch. 88, approved March 11, 1806, repealed the Act approved March 9, 1785, together with various other Criminal Acts.[2]

Acts of 1804, ch. 143, § 7, approved March 16, 1805, imposed solitary imprisonment not exceeding two years, and afterwards confinement to hard labor for life, — upon conviction in the Supreme Judicial Court.[3]

Acts of 1818, ch. 124, § 1, provided the punishment of death for assault and robbery, if robber armed with dangerous weapon,[4] leaving the punishment as before, in case the robber was not armed, — life imprisonment.

Thirty years more brought another change, a mitigation in the severity of the punishment: —

Revised Statutes of Massachusetts, 1836, ch. 125, § 15.

If any person shall, by force and violence, or by assault and putting in fear, feloniously rob, steal and take from the person of another any money or other property, which may be the subject of larceny (such robber not being armed with a dangerous weapon), he shall be punished by imprisonment in the State prison for life or for any term of years.

[1] Laws and Resolves of Massachusetts, 1784–5, p. 134.
[2] *Ibid.*, 1804–5, p. 504.
[3] *Ibid.*, p. 243.
[4] Laws of Massachusetts, vol. ii. p. 501.

§ 13. If robber armed — death — changed by St. 1839, ch. 127, to imprisonment for life.

Commonwealth *v.* Martin, 17 Mass. 359, has an elaborate opinion by C. J. Parker, — that to make the offence capital it is sufficient that the robber be armed, with intent to kill or maim, if necessary to effect his purpose, and he having the power to do so.

General Statutes of Massachusetts, 1860, ch. 160, § 24, has the same provision as Revised Statutes, ch. 125, § 15: —

§ 22. If the robber be armed, imprisonment in the State prison for life.

Public Statutes of Massachusetts, 1882, ch. 202, §§ 24 and 22, has the same penalties.

And the same remains the law to-day.[1]

These various Statutes, running through two centuries and a half, mark successive stages in the conditions and in the development of the State and in the dealing with this crime.

The reading of the papers by Dr. De Normandie and Mr. Noble elicited some extemporaneous remarks by Mr. EDWARD CHANNING, who spoke at considerable length of crimes and their punishments in the colonial period, not only in Massachusetts but also in the other colonies, and expressed the opinion that the punishments were much less severe here than they were in the mother country.

Mr. FRANKLIN B. DEXTER, of New Haven, Connecticut, a Corresponding Member, read the following paper: —

Abraham Bishop, of Connecticut, and his Writings.

Abraham Bishop died in 1844, — not recently enough to be held in general remembrance, and not so long since as to have become, if he ever will, a really historic character. In these circumstances I have not endeavored to gather any personal reminiscences, and shall confine myself mainly to tracing his story by means of what he put in print about himself.

He was the eldest son of Deacon Samuel Bishop, a respected citizen of New Haven, who was much employed in public office, as Deputy in the General Assembly, Town Clerk, Mayor

[1] Revised Laws of Massachusetts, 1902, pp. 1744, 1745.

and Judge of the County and Probate courts. The son was so precocious as to begin his college course in Yale at the age of eleven years and nine months, in the class of 1778, the most brilliant class of that generation, with such comrades as Joel Barlow, Noah Webster, Oliver Wolcott, Jr., Zephaniah Swift, and Uriah Tracy.

Graduating at fifteen and a half, he could afford to proceed leisurely, and did not take his examination for the bar until April, 1785, at the age of twenty-two.

Early in 1787 he started on an extended European tour, then a rare experience for a New Haven youth, from which he returned twenty months later, as President Stiles wrote in his Diary, "full of Improvement and Vanity." This tour, mainly performed on foot, is best remembered by allusions to it in "The Echo," a collection of poetical squibs by the Hartford wits, which ridicules his alleged gift of the shoes which had carried him over his journey, to the Museum of Yale College, and describes their subsequent fate, in being tossed out of window by an unappreciative tutor. What basis of truth there was in the tale, I do not attempt to decide.

One thing more should be said of this foreign trip, that the time spent in France seems to have left a permanent mark on Mr. Bishop's character, in the unsettlement of his inherited religious views and the development of a passion for democracy.

We learn from Dr. Stiles's Diary that the traveller launched out at once on his return as a public orator, on a stage of his own providing. He writes, for example, on December 25, 1788: "Mr. Bishop began his Lecture on Moral Philosophy in his Theatre or Play House,"—that being a house just built by his father, who had been persuaded to alter it to suit the son's purpose. And again, three weeks later: "In the Evening I attended Mr. Bishop's political Lecture against the new Constitution, as I did Mr. [William] Hillhouse's Defence of the Constitution last Monday." It was certainly in keeping with his later career, that the first report of him as a political speaker should be in the character of an opponent of what we know as the *Federal* Constitution.

In the following year another characteristic performance was his posing as an innovator in educational theory. He had evolved an elaborate plan for a graded school system, embracing the public and private schools of the city, and the Hopkins

Grammar School, an old endowed foundation preparatory to college, as well. His plan was straightway approved and adopted by a large representative meeting of citizens, and he was himself named Director of the associated institutions, and head of the Academy into which the Grammar School was to be transformed; but beyond a public oration by the Director, and five or six explanatory articles in the newspapers from the same hand, the scheme seems to have had no results, and soon drops out of sight. With its collapse his employment in the Grammar School also ended, and we next hear of him in Boston, where he spent most of the year 1791.

Of his occupations while here I can only say certainly that he was a frequent contributor to some of the local papers on political and philosophical subjects; probably also he gave, or at least offered to give, instruction in oratory and other branches.

And here, in October, 1791, his first known pamphlet was printed by Isaiah Thomas. This was: "The Triumph of Truth. — History and Visions of Clio. By John Paul Martin, A. M., M. S. P." The origin and meaning of this pseudonym are not clear; but I note that several articles contributed by our author in the same year to the "Boston Argus" are signed with the same name or with its initials. The piece is a sort of rhapsody, professedly in support of Christianity, and pretending to describe the spiritual progress of a friend named Clio. A prefatory note states that parts of it "will be delivered by the author, as an exercise of sacred Oratory," with intervals for the introduction of music; and suitable hymns by Watts are noted in the text. I cannot make out whether the whole thing was a hidden attempt at burlesque or a pious affectation.

Another result of his Boston residence was his marriage in Newburyport, in March, 1792, at the age of twenty-nine, by the Rev. Dr. Bass, to Nancy, only daughter of the very rich and very eccentric "Lord" Timothy Dexter, a young schoolgirl in her sixteenth year.

Then his wanderings ended, and he returned to New Haven, to make his home in the old family residence on the corner of Elm and State streets for the rest of his life.

He had no legal practice of any moment, but held for a time the appointment of County Surveyor, and in 1795 became

clerk of the County Court, as also of the Probate Court in the following year. To these offices he added, when the Superior Court of New Haven County was established, in 1798, the clerkship of that court also; but lost these employments after two or three years.

At his father's death, in 1803, he succeeded him as Collector of the Port of New Haven, and this office he retained until President Jackson's accession in 1829. In the preceding campaign he had opposed Jackson, having by this time adopted protectionist views, and accordingly he failed to secure a reappointment. He was then sixty-six years of age, a dozen years younger than his father had been when selected for the same post; but he accepted his fate, and spent the remaining fifteen years of his life in retirement.

His marriage was unhappy, and after the birth of a daughter he secured a divorce from his wife, who returned to Newburyport. She outlived her husband, an object of constant care from mental and physical infirmity. He was subsequently twice married, and at his death, in April, 1844, was survived by three daughters and by his third wife, who did not die until 1863.

Of his active interests, outside of his official engagements, during the first years after his final return to New Haven, I find no trace except in a pamphlet, in two parts, which he printed at Hartford, in 1797–98, with the title "Georgia Speculation Unveiled."

He was probably one of the many Northern victims of the speculative land companies to which a corrupt Georgia Legislature had pretended to sell its fictitious rights to the Indian land on its western borders; and this essay discusses, with considerable parade of legal technicalities, the objectionable features of what was really a fraudulent transaction.

Mr. Bishop's ability as a ready writer and speaker was now recognized, and this led naturally enough to his appointment in 1800 as orator of the Phi Beta Kappa Society in the college at their annual public meeting, which was regularly held in the Centre Church on the evening before Commencement.

In that year and the years just after, party spirit in New Haven ran as high as it has ever run in her history; and not only was Abraham Bishop any man's equal in ardent partisanship, but to him belongs the distinction of outstripping all his

contemporaries through the help of this occasion and his mode of using it.

He was of course an Anti-Federalist or Republican; and here, if he dared seize it, was a chance of capturing a crowded audience, mainly of the opposite political faith. To be sure it was unprecedented to treat of practical politics on these occasions; but he went ahead, and printed in advance his oration "On the Extent and Power of Political Delusion," which was neither more nor less than a campaign speech. He sent a copy, on the day but one before the date of the meeting, to the committee of the Society, and there was just time for them to insert in the newspaper of the following day an indignant repudiation of the orator and all his works by the cancelling of his appointment. But he was not caught napping, and the same paper contained a notice from Mr. Bishop that his oration would be independently delivered, in the meeting-house of the White Haven Society (in which his father was a deacon), and that it would be on sale immediately.

The extraordinary oration, thus effectively advertised, is in a totally different vein from the author's previous pamphlets. The style is characterized by great apparent frankness, verging on impudence, by great facility in the use of Scripture phrases, and by the strongest partisan flavor. Perhaps, in view of the author's later career as commercial agent of the government at the port of New Haven for over a quarter of a century, as striking a point as any is his fixed opposition at this time to all extension or fostering of commerce. I may not stop to analyze the argument, but I quote the opening and closing paragraphs as samples of the style. The orator begins: —

"On the eve of a day set apart for a literary feast of fat things, I have adjudged that a plain dish would be most acceptable. Indeed, had it been assigned to me to speak to you of Greece and Rome, of the inexhaustible treasures of Hebrew, Greek and Arabic, or to have discussed the height and diameter of the antediluvians, or to have explained the cause why a black man is not a white man, or why an elm tree does not bear apricots; you must have sat here in silence, and the spirit would never have moved me to address you. Avoiding literary discussion, I have selected as the theme of this occasion, the extent and power of political delusion."

And he closes thus: —

"If in any of you present, delusion has wrought its perfect work, if you have bowed the knee to the political Baal, if you are slavishly devoted to the *self-stiled* friends of order and good government, then bid an eternal adieu to the freedom which you never merited; prepare your necks for the yoke, hail Issachar as your venerated ancestor, say to delusion, 'thou art our father,' and to funding system, federal city, foreign intercourse, army, navy, 'ye are our brethren and sisters.'"

The flame of indignation at this performance, in a community overwhelmingly Federal, was fanned by two published replies, — one, issued within a week, anonymous in form, but by clear internal evidence the work of Mr. Bishop's classmate, Noah Webster, then living in New Haven, which bore the stinging title, "A Rod for the Fool's Back," and the other also anonymous, published at Hartford a month later.

The strategical boldness of this incident added to Bishop's popularity and prominence in the councils of his party, and led to his appointment as orator at a mammoth Republican festival held in Wallingford, in New Haven County, in March, 1801, to celebrate the election of Jefferson and Burr, who had been inaugurated the week before. The occasion was a notable one, and the orator's contribution was ambitious and telling. It began with a suggested comparison, almost blasphemous to many who would read it, between "the illustrious chief who, once insulted, now presides over the Union," and the Saviour of the world, "who, once insulted, now presides over the universe"; and then proceeded to develop, at great length and with many distinct personal allusions, the proposition "that the character of the self-stiled friends of order and good government, at the beginning of the Christian aera, in the successive ages since, and at the present moment, is precisely the same combination of error, self-love, deceit, hostility to the true interests of man, persecution and cruelty."

The style, and to some extent the arguments, are the same as in the author's New Haven oration, and the local situation in Connecticut is held up to the strongest reprobation. This was in fact almost the opening gun in the long campaign which ended in the adoption of the State Constitution of 1818.

When it was printed, an appendix of half a dozen pages was added, giving a racy account, from the author's point of view,

of the Phi Beta Kappa affair in all its details. Raciest perhaps of all its hits was that addressed to Noah Webster, who was fond of giving advice, and is here advised in turn "to persecute to conviction and sentence of death, the man or men who ever told him that he had talents as a writer."

This pamphlet was quite of a sort to recommend Mr. Bishop to the President's approval, and no wonder that the Federalists surmised some connection between the oration published in May, 1801, and the appointment by Jefferson in June of Deacon Samuel Bishop, then almost an octogenarian, as Collector of the Port. It was of course charged that the nomination of the highly respectable father was a blind to cover what was practically a reward for the highly obnoxious son; and it was thoroughly characteristic of Abraham Bishop that he himself presently took a hand in the controversy. After the New Haven remonstrants against the appointment had memorialized the President, and the President had replied to them, the new Collector's son published over his own name, in a short-lived New Haven newspaper called "The Sun of Liberty," a slashing criticism of his opponents, which is even now vastly amusing reading. The opening sentences are as follows: —

"When the islanders of Melita saw the venomous beast fasten upon the hand of Paul, they considered it a gone case with him; but Paul shook the beast from his hand and felt no harm. From this we learn that the Melita salamanders were very harmless, for with all their disposition to destroy they had not the power. I have no intention of comparing myself with Paul, but my direct object will be to show *that a number of the New Haven remonstrants are a miserable set of Salamanders.*"

In 1802 Mr. Bishop appeared as an author in a more pretentious manner by the publication of an octavo volume of 166 pages, entitled "Proofs of a Conspiracy against Christianity, and the Government of the United States; exhibited in several views of the union of Church and State in New-England."

The title was of course parodied from that of a foolish book issued five years before by Professor Robison, of Edinburgh, which had been widely read on both sides of the Atlantic, "Proofs of a Conspiracy against all the Religions and Governments of Europe, carried on in the secret Meetings of Freemasons, Illuminati, etc."

To those who know Connecticut history it is evident that our author's book, dealing with the union of Church and State, was really an argument for a revision of the State Constitution. I quote a few sentences from the Preface, to show the spirit of the whole: —

"Living in the midst of men whom my subject contemplates, it has occurred to me that their steady habits and good professions have brought them sufficient profits, and that our pious ancestors have been bought and sold often enough; therefore that some man, who has paid his proportion for these habits, should take it in charge to put an end to the traffic, and to place the dealers in a way of laying in a new stock of their own manufacture.

"This subject is like a new country; he who first enters into it must encounter some briers and some serpents; but a succession of laborers, working with their axes at the roots, will open a way through the wilderness, and hereafter the solitary place will be glad for them, and the desert will rejoice."

In this, as in his former pieces, but with even a more unrestrained tongue, the author indulges in the frankest and most pungent dissection of, and attacks upon, his contemporaries and neighbors, and in shrewd exposure of the weak points in the Federal armor. He was more in his element as a pamphleteer; but his book remains as a part of the effective warfare of a long campaign.

After this, Mr. Bishop but once more appeared in a printed pamphlet with his own name. This was in 1804, and the performance was another "Oration" professedly in honor of Jefferson and the acquisition of Louisiana, delivered at a Republican festival in Hartford; but the main strength of the orator was given, as before, to a scathing arraignment of the abuses of Connecticut government under the old alliance of Church and State. Here, for the first time, the discovery was announced that Connecticut was without a constitution, and a constitutional convention was, for the first time, prominently advocated. I quote a single paragraph, which suggests the trend of the main argument: —

"Republicans, what our eyes have seen, what our ears have heard, and what we have personally experienced, will be better impressed on our memories than what our fathers have told us. We have lived in a State, which, exhibiting to the world a democratic exterior, has actually

practised within itself all the arts of an organized aristocracy, under the management of the old firm of Moses and Aaron."

I ought also to refer to two other pamphlets in this contest, for which he was responsible, though not bearing his name. One, issued in 1802, without any name of place or printer, was entitled "Church and State, a Political Union, formed by the enemies of both"; and consisted mainly of the documents connected with two famous quarrels of that date, — the first between the Rev. Stanley Griswold, of New Milford, and the Rev. Dan Huntington, of Litchfield, Connecticut, and the second between Colonel Ephraim Kirby, of Litchfield, and the Rev. Joseph Lyman, of Hatfield, Massachusetts. Both were occasioned by accusations of slander, growing out of political rancor, and chiefly interesting in connection with the personal fortunes of the participants.

In 1804 he wrote and published another pamphlet, which purported to be an "Address by Major William Judd," of Farmington, to the people of the State, on his prosecution before the General Assembly for taking part, though an office-holder, in a convention which denied the legal powers of the existing government. The pamphlet remains as a landmark in the struggle which Judd himself did not live to see.

In 1804 Abraham Bishop was forty-one years of age. He was just settled in a lucrative public office, which imposed responsibility and dignity beyond ordinary private station; and with this year his activity in the rôle of public censor ceased. He still made himself felt through anonymous writing in the newspapers; but his appearances in pamphlet warfare were practically over.

One of the few known specimens of his further authorship is "Some Remarks" published without his name in 1808 in criticism of a letter by the Hon. Timothy Pickering, then a Senator from Massachusetts, which condemned Jefferson's policy of an embargo as likely to lead to war with England. The change of tone in this pamphlet as compared with most of Mr. Bishop's other writings, is very marked; and the result is a decorous and loyal defence of the President, without the personal assaults and local allusions which are so characteristic of his earlier essays. It is all very proper, but alas! very dull.

I trace his hand only once more in any separate publication,

and this is in an anonymous pamphlet published in 1824, made up of articles contributed to a New Haven newspaper in that year and entitled "Remarks on Dr. Griffin's Requisition for 700,000 Ministers." These form a slashing criticism of a speech at a meeting of the American Education Society in New York by the Rev. Dr. Edward D. Griffin, then President of Williams College, in which he made a somewhat rhetorical plea for the evangelization of the world. In this Mr. Bishop finds an excuse for a caustic attack on the policy of foreign missions and kindred enterprises. He pretends to find in the advocacy of the spread of missions, of Bible distribution, and of ministerial education, renewed dangers to civil and religious liberty.

In the preparation of these hasty notes I have glanced over nearly eight hundred pages of Abraham Bishop's published compositions, and they leave with me the clear impression of strong native ability, combined with quick mother-wit, and a keen perception of the ludicrous. Convinced of the justice of his own contention, he gave his adversaries hard blows, delivered fairly and squarely.

In a time of intense party feeling, no doubt there were intrigues on both sides, and I am far from claiming that his skirts were clear of blame; but although in his writings there is abundance of vanity, of perverse logic, and of bad rhetoric, there is also a certain buoyancy and openness, an absolute fearlessness and apparent confidence in his cause, which compel one's sympathy if not one's admiration. In his palmy fighting days one can see that he relished the combat heartily, and he carries his reader with him to the finish, whether he makes him a convert or not. We stay to see the end of the fun, and there lingers with us a kindly feeling for the sturdy champion who has kept us so well entertained in a plucky fight against tremendous odds. And when the full history of Connecticut politics in the beginning of the nineteenth century comes to be written, there will be no more interesting or diverting chapter than that which treats of Abraham Bishop.

Remarks were made during the meeting by Messrs. WILLIAM R. THAYER, GRENVILLE H. NORCROSS, EDMUND F. SLAFTER, and JAMES F. HUNNEWELL.

A new volume of the Proceedings — volume eighteen of the second series — was ready for distribution at this meeting.